

**HAROLD M. JAFFE, ESQ.**  
CASB #57397  
3521 Grand Avenue  
Oakland, CA 94610  
Tel: (510) 452-2610  
Fax: (510) 452-9125

Attorney for Defendants JOHN SRAMEK and BERNADETTE SRAMEK, individually and as Trustees of the John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust and Harold M. Jaffe, In Pro Per

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ALISE MALIKYAR and ROBERT CASE NO. C07-03533 WHA  
JACOBSEN,

Plaintiffs,

**DEFENDANTS' UPDATED RULE 26  
DISCLOSURES**

vs.

JOHN SRAMEK, BERNADETTE  
SRAMEK, HAROLD M. JAFFE, John S.  
Sramek, Jr. and Bernadette D. Sramek  
Revocable Living Trust, and DOES 1 -  
100,

Defendants.

/

**TO ALISE MALIKYAR AND ROBERT JACOBSEN, AND THEIR ATTORNEY OF  
RECORD, SVETLANA V. COUTURE:**

**PLEASE TAKE NOTICE** that defendants, JOHN SRAMEK, BERNADETTE SRAMEK, HAROLD M. JAFFE, John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust, hereby submit an Updated Rule 26 Disclosures, as is set forth below. This update will supplement and update Defendants' Initial Rule 26 Disclosures filed on October 5, 2007, and Defendants' Supplemental Rule 26 Disclosures filed on October 23, 2007, both of which are incorporated herein by reference, and attached hereto as **Exhibits A** and **B**, respectively.

Defendants reserve the right to additionally supplement this disclosure based upon any amended complaint which plaintiffs may file on or before August 15, 2008. Pending such additional supplementation, defendants hereby submit the following updates:

1 **A. Disclosure of Parties With Discoverable Information; Subject of Information.**

- 2 1. John P. Lewis, Esq., 1412 Main Street, No. 210, Dallas, TX 75202, (214)  
 3 742-5925. Subject of Information: Has information concerning the Texas  
 4 bankruptcy filing of Robert Jacobsen, including issues pertaining to assets  
 5 of the bankruptcy estate.
- 6 2. Gabrielle A. Hamm, Esq., SINGER & LEVICK, P.C., 16200 Addison Road,  
 7 Ste. 140, Addison, TX 75001, (972) 380-5533. Subject of Information: Has  
 8 information concerning the Texas bankruptcy filing of Robert Jacobsen,  
 9 including issues pertaining to assets of the bankruptcy estate.
- 10 3. Larry A. Levick, Esq., SINGER & LEVICK, P.C., 16200 Addison Road, Ste.  
 11 140, Addison, TX 75001, (972) 380-5533. Subject of Information: Has  
 12 information concerning the Texas bankruptcy filing of Robert Jacobsen,  
 13 including issues pertaining to assets of the bankruptcy estate.
- 14 4. Gregory T. Meyer, MEYER & COLEGROVE, PLLC, 5700 Granite Parkway,  
 15 Ste. 470, Plano, TX 75024, (972) 334-0091. Subject of Information: Has  
 16 information concerning the Texas bankruptcy filing of Robert Jacobsen,  
 17 including issues pertaining to assets of the bankruptcy estate.
- 18 5. William Paul Rossini, Esq., ROSSINI & WAGNER, PC, 1201 Main Street,  
 19 Ste. 2470, Dallas, TX 75202, (214) 979-7321. Subject of Information: Has  
 20 information concerning the Texas bankruptcy filing of Robert Jacobsen,  
 21 including issues pertaining to assets of the bankruptcy estate. Attorney who  
 22 compiled Robert Jacobsen's bankruptcy schedules.
- 23 6. John Owen, 1999 Harrison Street, Ste. 2675, Oakland, CA 94612, (510)  
 24 834-2295. Subject of Information: Handwriting expert.
- 25 7. Individuals in the Contra Costa County Sheriff's Department, identities  
 26 unknown at this time.

27 **B. Supporting Documents.**

- 28 1. All pleadings, exhibits and testimony in the case styled Robert Jacobsen.

Debtor, United States Bankruptcy Court for the Eastern District of Texas, Sherman Division, Case No. 07-41092 BTR, including but not limited to, any appeals therefrom, in addition to any and all adversary cases arising therefrom, including but not limited to, No. 2 below.

2. All pleadings, exhibits and testimony in the adversary case styled Moser, Chapter 7 Trustee v. Robert Jacobsen, United States Bankruptcy Court for the Eastern District of Texas, Sherman Division, Case No. 07-4134.
3. All pleadings, exhibits and testimony in the appeal case styled Jacobsen v. Moser, United States District Court for the Eastern District of Texas, Sherman Division, Case No. 4:08-cv-00099-DF.
4. Any and all documents, tests or reports prepared and/or produced by John Owen, Handwriting expert.
5. Alleged wire taping device.

**C. Computation of Any Category of Damages Claimed by the Disclosing Party, Making Available for Inspection and Copying Under Rule 34, the Documents or Other Evidentiary Material not Privileged or Protected from Disclosure, on Which Such Computation is Based, Including Materials Bearing on the Nature and Extent of Injuries Suffered.**

Defendants will seek attorneys' fees and costs incurred in defending this case in a sum not presently known.


**D. Inspection and Copying Under Rule 34 of Any Insurance Agreements.**

Not applicable.

**E. The Identity of any Person who May be Used at Trial to Present any Evidence Under Rules 702, 703 or 705 of the Federal Rules of Evidence.**

Defendants have not retained any testifying expert at this time.

DATED: July 18, 2008

  
 HAROLD M. JAFFE, ESQ., Attorney for Defendants  
 JOHN SRAMEK and BERNADETTE SRAMEK, ind. &  
 as Trustees of the John S. Sramek, Jr. and Bernadette  
 D. Sramek Revocable Living Trust and Harold M. Jaffe,  
 In Pro Per

## **EXHIBIT A**

1 **HAROLD M. JAFFE, ESQ.**

CASB #57397

2 3521 Grand Avenue

Oakland, CA 94610

3 Tel: (510) 452-2610

Fax: (510) 452-9125

4 Attorney for Defendants JOHN SRAMEK and BERNADETTE SRAMEK, individually and as  
5 Trustees of the John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust and Harold  
6 M. Jaffe, In Pro Per

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 ALISE MALIKYAR,

CASE NO. C07-03533 WHA

11 Plaintiff,

**DEFENDANTS' INITIAL RULE 26  
DISCLOSURES**

12 vs.

13 JOHN SRAMEK, BERNADETTE SRAMEK,  
14 HAROLD M. JAFFE, John S. Sramek, Jr. and  
Bernadette D. Sramek Revocable Living  
Trust, and DOES 1 - 100,

15 Defendants.  
16 \_\_\_\_\_ /

17 **TO ALISE MALIKYAR, IN PRO PER:**

18 Defendants, JOHN SRAMEK, BERNADETTE SRAMEK, HAROLD M. JAFFE, John S.  
19 Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust, hereby submit their initial Rule 26  
20 disclosures as follows.

21 **A. Disclosure of Parties With Discoverable Information; Subject of Information**

22 1. Harold M. Jaffe, 3521 Grand Avenue, Oakland, CA 94610, (510) 452-3610.

23 Subject of Information: Has information concerning access of information on the  
24 pending sale of 2324 Tice Valley Blvd., Walnut Creek, California.

25 2. Gail Smith, c/o 3521 Grand Avenue, Oakland, CA 94610, (510) 452-3610.

26 Subject of Information: Has information concerning access of information on the  
27 pending sale of 2324 Tice Valley Blvd., Walnut Creek, California.

Subject of Information: Has information concerning the pending sale of 2324 Tice Valley Blvd., Walnut Creek, California. All of Mrs. Sramek's information is derived from Mr. Sramek.

Subject of Information: Has information concerning the pending sale of 2324 Tice Valley Blvd., Walnut Creek, California.

Subject of Information: Has information concerning the pending sale of 2324 Tice Valley Blvd., Walnut Creek, California.

**Subject of Information:** Has information as to who is the proper party in interest to assert claims in the instant complaint, and information concerning Mr. Jacobsen's bankruptcy.

Subject of Information: Mr. Jacobsen is the person whose phone line was allegedly wiretapped and has information concerning same.

1. Computer printout from realestateonline.com, showing a listing for the 2324 Tice Valley Property which was faxed to this office by the Law Offices of Dave McGraw, on April 24, 2007.

- 1           2.     Computer printout from YellowPages.Com obtained by Gail Smith, showing search
- 2                 results for North American Title in the Walnut Creek area, which contains
- 3                 handwritten notes.
- 4           3.     All files in regard to the case styled Robert Jacobsen, Debtor, United States
- 5                 Bankruptcy Court for the Eastern District of Texas, Sherman Division, Case No. 07-
- 6                 41092 BTR.
- 7           4.     North American Title escrow file concerning the property at 2324 Tice Valley
- 8                 Blvd., Walnut Creek, CA, Escrow No. 701996.
- 9
- 10
- 11

12   DATED: October 4, 2007

HAROLD M. JAFFE, ESQ., Attorney for Defendants  
JOHN SRAMEK and BERNADETTE SRAMEK,  
individually and as Trustees of the John S. Sramek,  
Jr. and Bernadette D. Sramek Revocable Living Trust  
and Harold M. Jaffe, In Pro Per

**PROOF OF SERVICE**

**In re USDC for the Northern District of Calif., Case No. C07-03533 WHA**

I am a citizen of the United States, employed in the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 3521 Grand Avenue, Oakland, CA 94610.

On the date herein below stated, I served the within document(s):

**~DEFENDANTS' INITIAL RULE 26 DISCLOSURES**

\_\_\_\_\_ by facsimile transmission on said date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), facsimile number (510) 452-9125. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is in sender's file. The names and facsimile numbers of the person(s) served are as set forth below.

**XX** by placing a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage prepaid for deposit in the United States mail at Oakland, California, pursuant to CCP §§1013a(3), addressed as set forth below.

\_\_\_\_\_ by depositing in a box or similar facility maintained by: ☐ United Parcel Service; ☐ Federal Express; ☐ DHL Worldwide Express; an express mail service carrier, in an envelope designated by said express service carrier, with delivery fees paid or provided for, pursuant to CCP §1013(c), addressed as set forth below.

\_\_\_\_\_ by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

Alise Malikyar  
2324 Tice Valley Blvd.  
Walnut Creek, CA 94595  
T: (925) 890-8619  
F: (407) 209-2126

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this Declaration was executed on October 5, 2007, at Oakland, California.

\_\_\_\_\_  
BEVERLY BAKER



## **EXHIBIT B**

1 **HAROLD M. JAFFE, ESQ.**  
CASB #57397  
2 3521 Grand Avenue  
Oakland, CA 94610  
3 Tel: (510) 452-2610  
Fax: (510) 452-9125  
4

5 Attorney for Defendants JOHN SRAMEK and BERNADETTE SRAMEK, individually and  
as Trustees of the John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust  
and Harold M. Jaffe, In Pro Per  
6

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 ALISE MALIKYAR,

CASE NO. C07-03533 WHA

10 Plaintiff,

**DEFENDANTS' SUPPLEMENTAL RULE 26**  
**DISCLOSURES**

11 vs.

12 JOHN SRAMEK, BERNADETTE  
SRAMEK, HAROLD M. JAFFE, John S.  
Sramek, Jr. and Bernadette D. Sramek  
13 Revocable Living Trust, and DOES 1 -  
100,  
14

Defendants.  
15 \_\_\_\_\_ /

16 **TO ALISE MALIKYAR, IN PRO PER:**

17 Defendants, JOHN SRAMEK, BERNADETTE SRAMEK, HAROLD M. JAFFE, John  
18 S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust, hereby submit their  
19 Supplemental Rule 26 disclosures as set forth below under Supplemental Disclosure of  
20 Parties With Discoverable Information and Supplemental Supporting Documents.

21 **A. Disclosure of Parties With Discoverable Information; Subject of Information.**

22 1. Harold M. Jaffe, 3521 Grand Avenue, Oakland, CA 94610, (510) 452-3610.

23 Subject of Information: Has information concerning access of information on the pending  
24 sale of 2324 Tice Valley Blvd., Walnut Creek, California.

25 2. Gail Smith, c/o 3521 Grand Avenue, Oakland, CA 94610, (510) 452-3610.

26 Subject of Information: Has information concerning access of information on the pending  
27 sale of 2324 Tice Valley Blvd., Walnut Creek, California.

28 3. John and Bernadette Sramek, c/o 3521 Grand Avenue, Oakland, CA 94610,

1 (510) 452-2610.

2 Subject of Information: Has information concerning the pending sale of 2324 Tice Valley  
3 Blvd., Walnut Creek, California. All of Mrs. Sramek's information is derived from Mr.  
4 Sramek.

5 4. Dave McGraw, LAW OFFICES OF DAVE M. McGRAW, APC, 2890 North  
6 Main Street, Ste. 307, Walnut Creek, CA 94597, (925) 944-0206.

7 Subject of Information: Has information concerning the pending sale of 2324 Tice Valley  
8 Blvd., Walnut Creek, California.

9 5. Angel Avery, North American Title Co., 1605 Tice Valley Boulevard, Walnut  
10 Creek, CA, (925) 930-8800.

11 Subject of Information: Has information concerning the pending sale of 2324 Tice Valley  
12 Blvd., Walnut Creek, California.

13 6. Greg Armove, Staff Attorney, OFFICE OF THE CHAPTER 13 TRUSTEE-  
14 Janna L. Countryman, 500 North Central Expressway, Ste. 350, Plano, TX 75074, (972)  
15 943-2580.

16 Subject of Information: Has information as to who is the proper party in interest to assert  
17 claims in the instant complaint, and information concerning Mr. Jacobsen's bankruptcy.

18 7. Robert Jacobsen, P.O. Box 1386, Lafayette, CA 94549, telephone number  
19 unknown, address for Mr. Jacobsen taken from plaintiff's initial disclosure.

20 Subject of Information: Mr. Jacobsen is the person whose phone line was allegedly  
21 wiretapped and has information concerning same.

22 **Supplemental Disclosure of Parties With Discoverable Information.**

23 8. Expert in the field of electronics/wiretapping, to date not yet retained.

24 **B. Supporting Documents.**

25 1. Computer printout from realestateonline.com, showing a listing for the 2324  
26 Tice Valley Property which was faxed to this office by the Law Offices of  
27 Dave McGraw, on April 24, 2007.

28 2. Computer printout from YellowPages.Com obtained by Gail Smith, showing


1 search results for North American Title in the Walnut Creek area, which  
2 contains handwritten notes.

- 3 3. All files in regard to the case styled Robert Jacobsen, Debtor, United States  
4 Bankruptcy Court for the Eastern District of Texas, Sherman Division, Case  
5 No. 07- 41092 BTR.
- 6 4. North American Title escrow file concerning the property at 2324 Tice Valley  
7 Blvd., Walnut Creek, CA, Escrow No. 701996.

8 **Supplemental Supporting Documents.**

- 9 5. Bill to the Law Offices of Harold Jaffe from AT&T, billing date May 13, 2007,  
10 which shows that on April 27, 2007, at 11:22 a.m., there was a phone call  
11 made from the Law Offices of Harold M. Jaffe to a phone number in Walnut  
12 Creek, (925) 930-8800, which is the phone number for the North American  
13 Title Insurance Company, Tice Valley Office.
- 14 6. Bills for telephone numbers (925) 210-0200 and (925) 210-1167 for the six  
15 month period from November 1, 2006 through May 1, 2007, showing any  
16 telephone calls to (925) 937-8800.
- 17 7. The subject recording device described in Sheriff's Department Report No.  
18 07-11799, as "one white, plastic, water tight container with a silver color,  
19 Sony tape recorder inside with wires." The device is currently in the  
20 possession of the Contra Costa County Sheriff's Department.

21  
22 DATED: October 23, 2007

  
HAROLD M. JAFFE, ESQ., Attorney for Defendants  
JOHN SRAMEK and BERNADETTE SRAMEK, ind. &  
as Trustees of the John S. Sramek, Jr. and Bernadette  
D. Sramek Revocable Living Trust and Harold M. Jaffe,  
In Pro Per

**PROOF OF SERVICE**

**In re USDC for the Northern District of Calif., Case No. C07-03533 WHA**

I am a citizen of the United States, employed in the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 3521 Grand Avenue, Oakland, CA 94610.

On the date herein below stated, I served the within document(s):

**~DEFENDANTS' SUPPLEMENTAL RULE 26 DISCLOSURES**

by facsimile transmission on said date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), facsimile number (510) 452-9125. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is in sender's file. The names and facsimile numbers of the person(s) served are as set forth below.

**XX** by placing a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage prepaid for deposit in the United States mail at Oakland, California, pursuant to CCP §§1013a(3), addressed as set forth below.

by depositing in a box or similar facility maintained by: ☐ United Parcel Service; ☐ Federal Express; ☐ DHL Worldwide Express; an express mail service carrier, in an envelope designated by said express service carrier, with delivery fees paid or provided for, pursuant to CCP §1013(c), addressed as set forth below.

by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

Alise Malikyar  
2324 Tice Valley Blvd.  
Walnut Creek, CA 94595  
T: (925) 890-8619  
F: (407) 209-2126

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this Declaration was executed on October 23, 2007, at Oakland, California.

  
BEVERLY BAKER